

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA Title III

Case No. 17-BK-3283-LTS

(Jointly Administered)

ASSURED GUARANTY CORP., ASSURED
GUARANTY MUNICIPAL CORP., NATIONAL
PUBLIC FINANCE GUARANTEE
CORPORATION, AMBAC ASSURANCE
CORPORATION, AND FINANCIAL GUARANTY
INSURANCE COMPANY,

Movants,

v.

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as a representative of

THE COMMONWEALTH OF PUERTO RICO,

Respondent.

Case No. 17-BK-3283-LTS

Re: ECF No. 10602, 10611, 12995

¹ The Debtors in the jointly-administered Title III cases, along with each Debtor's respective Title III case number (listed as a bankruptcy case number due to software limitations) and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (iv) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19 BK 5523-LTS) (Last Four Digits of Federal Tax ID: 3801).

**MOTION OF THE COMMONWEALTH OF PUERTO RICO FOR LEAVE TO RELY
ON SPANISH LANGUAGE CASE LAW AND FOR EXTENSION OF TIME TO FILE
CERTIFIED TRANSLATION**

To the Honorable United States District Judge Laura Taylor Swain:

Debtor-Movant the Commonwealth of Puerto Rico (the “Commonwealth”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as sole representative of the Commonwealth pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”)², hereby submits this motion requesting the entry of an order, substantially in the form of **Exhibit A** hereto (the “Proposed Order”), granting the Commonwealth leave to rely on Spanish-language authority in connection with the Sur-Reply (as defined below) being filed today and an extension of time to file a certified English-language translation, and in support thereof, respectfully alleges and prays as follows:

1. Today, the Commonwealth filed the following:

- *Sur-Reply of Commonwealth of Puerto Rico in Opposition to Amended PRIFA Bondholder Motion to Lift Automatic Stay [ECF No. 10602]* (the “Sur-Reply”);
- *Declaration of Michael T. Mervis Regarding Sur-Reply of Commonwealth of Puerto Rico in Opposition to Amended PRIFA Bondholder Motion to Lift Automatic Stay [ECF No. 10602]* (the “Declaration”).

2. In support of the arguments raised in the Sur-Reply, the Commonwealth cited *Transamerica Occidental Life Ins. Co. v. Gordián*, 160 D.P.R. 804 (P.R. 2007), which is available on Westlaw and Lexis in its original Spanish language (the “Spanish-Language Case Law”). Due to time constraints, despite diligent efforts, the Commonwealth was unable to obtain certified English-language translations of the Spanish-Language Case Law from their original Spanish language prior to today’s filing. Accordingly, the Commonwealth seeks leave from this Court to

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.p

rely on the Spanish-Language Case Law in its original Spanish language and requests an extension of 3 days, to and including May 21, 2020, to file a certified English-language translation of the Spanish Language Case Law pursuant to Local District Court Rule 5(g).

WHEREFORE, the Commonwealth respectfully requests the Court enter the Proposed Order, attached hereto as **Exhibit A**, permitting it to file the Spanish-Language Case Law in their original Spanish language, granting it until May 21, 2020 to submit a certified English-language translation of the Spanish-Language Case Law, and granting such other and further relief as is just and proper.

RESPECTFULLY SUBMITTED.

Dated: May 18, 2020
San Juan, Puerto Rico

Respectfully submitted,

/s/ Martin J. Bienenstock

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Exhibit A
Proposed Order

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

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Debtors.¹

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(Jointly Administered)

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**[PROPOSED] ORDER ON MOTION OF THE COMMONWEALTH OF PUERTO RICO
FOR LEAVE TO RELY ON SPANISH LANGUAGE CASE LAW AND FOR
EXTENSION OF TIME TO FILE A CERTIFIED TRANSLATION**

Upon consideration of the *Motion of the Commonwealth of Puerto Rico for Leave to Rely On Spanish Language Case Law and for Extension of Time to File a Certified Translation* (the “Motion”), filed by Debtor-Movant the Commonwealth of Puerto Rico (the “Commonwealth”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as sole representative of the Commonwealth pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”)², and dated May 18, 2020, for an order granting the Commonwealth leave to rely on a Spanish-language version of *Transamerica Occidental Life Ins. Co. v. Gordián*, 160 D.P.R. 804 (P.R. 2007) (the “Spanish-Language Case Law”) and an extension of 3 days, to and including May 21, 2020, to file a certified English-language translation of the Spanish-Language Case Law, as more fully set forth in the Motion; and the Court having jurisdiction to consider the Motion and to grant the relief requested therein pursuant to PROMESA section 306(a); and venue being proper pursuant to PROMESA section 307(a); and notice of the Motion being adequate and proper under the circumstances, and no other or further notice being required; and finding good cause for the requested relief, it is hereby ORDERED that:

1. The Motion is GRANTED as set forth herein.
2. The Commonwealth is permitted to rely on the Spanish-language version of the Spanish-Language Case Law.
3. The Commonwealth’s certified English-language translation of the Spanish-Language Case Law shall be due on or before May 21, 2020.

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

4. The Court retains exclusive jurisdiction to hear and determine any and all disputes related to or arising from the implementation, interpretation and enforcement of this Order.

Dated: _____

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/ Hermann D. Bauer
Hermann D. Bauer